IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICANT: | BUCKINGHAM ET AL. | ) |
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| SERIAL NUMBER: | 10/029,057 | ) Before the Board |
| | | ) of Appeals |
| FILED: | December 20, 2001 | ) |
| | | ) Appeal No. |
| | | ) |
| FOR: | Intelligent Door Plate and Chime | ) |

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

## APPEAL BRIEF

A Petition for Extension of Time (1 month) is filed herewith. An Amendment After Final pursuant to 37 CFR § 1.116 is also filed herewith.

## REAL PARTY IN INTEREST

The real party in interest is INNCOM INTERNATIONAL, INC., the assignee of recorded dated 10/01/2003, reel / frame 014020 / 0868.

## RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

## STATUS OF CLAIMS

Claims 1-18, 21, 28-30, 32, 33, 36, 46, 66, and 86 have been cancelled.

Claims 19, 20, 22-27, 31, 34, 35, 37-45, 47-65, 67-85, and 87-102 stand rejected.

The rejections of claims 19, 20, 22-27, 31, 34, 35, 37-45, 47-65, 67-85, 87-93, and 95-102 are herein appealed.

STATUS OF AMENDMENTS

An Amendment After Final is filed concurrently herewith, wherein a redundant claim (claim 94 is identical to claim 73) has been cancelled and inadvertent typographical errors in the specification have been corrected. Entry of this Amendment has been respectfully request as it clearly puts the application in better condition for the present appeal.

SUMMARY OF CLAIMED SUBJECT MATTER

A concise explanation of the subject matter defined in each of the independent claims 37, 57, and 78 involved in the appeal is provided below:

**Claim 37**

Claim 37 recites "[a] system for indicating a status of a minibar in a room, in a multiple room building".

The system comprising "an interface assembly configured to convey a minibar access condition to outside of the room". Referring to Figure 10, a minibar access condition as determined by microprocessor 150 (which is mounted on circuit board 64 associated with intelligent internal door plate 12 (e.g., the interface assembly) inside the

room, Figure 4, see page 6, lines 19 – 21 of the application) is conveyed to external door plate 14 outside the room by wires 22, see page 7, lines 15 – 18 of the application. The microprocessor determines the minibar access condition in response to minibar switch 102 status; see page 11, lines 16 – 28 of the application.

The system further comprising "a minibar door switch configured to detect an open minibar door indicative of said minibar access condition, said minibar door switch in operable communication with said interface assembly". The minibar switch 102 senses opening and closing of the minibar, see, page 10, lines 19 – 24 and page 11, lines 22 – 28 of the application. Referring to Figure 10, the minibar switch 102 is connected to intelligent internal door plate 12 by wires 114 to provide data therefrom, see page 8, 19 – 21 of the application.

The system further comprising "an indicator in operable communication with said interface assembly, said indicator configured for indicating, in response to a request, said minibar access condition, said indicator further configured for indicating outside of the room". Referring to Figure 10, the indicator LED 86 (and backlit legend 84) at external door plate 14 indicates the minibar access condition; see page 11, lines 21 – 22 of the application. Wires 22 connect external door plate 14 and intelligent internal door plate 12, see page 8, lines 15 – 18 of the application. The LED 86 (and backlit legend 84) will indicate the minibar access condition in response to a request, i.e., when it is queried, see page 11, lines 16 – 22 of the application, otherwise the minibar access condition is not indicated.

The system further comprising "a first switch configured to be actuated from outside of the room for generating said request". The request or query is generated by hidden switch 88 (which was inadvertently identified in one portion of the application as 90, which is actually a connector, such has been addressed in an Amendment filed herewith), at external door plate 14 see Figure 10 and page 11, lines 18 – 22 of the application.

**Claim 57**

Claim 57 recites "[a] system for indicating an occupancy condition of a room, in a multiple room building".

The system comprising "an interface assembly configured to convey the occupancy condition of the room to outside of the room". Referring to Figure 10, an occupancy condition as determined by microprocessor 150 (which is mounted on circuit board 64 associated with intelligent internal door plate 12 (e.g., the interface assembly) inside the room, Figure 4, see page 6, lines 19 – 21 of the application) is conveyed to external door plate 14 outside the room by wires 22, see page 7, lines 15 – 18 of the application. The microprocessor determines the occupancy condition in response to entry door switch 100 and passive infra-red device 106 status, see page 10, line 25 - page 11, line 8 of the application.

The system further comprising "an entry door switch for detecting state of an entry door of the room, said entry door switch in operable communication with said interface assembly". The entry door switch 100 senses opening and closing of the door, see, page 10, line 14 of the application. Referring to Figure 10, the entry door switch 100 is connected to intelligent internal door plate 12 by wires 110 to provide data therefrom, see page 8, 19 – 21 of the application.

The system further comprising "a passive infra-red device for detecting motion in the room, said passive infra-red device in operable communication with said interface assembly". The passive infra-red device 106 senses motion within the room, see, page 10, lines 15 – 16 of the application. Referring to Figure 10, the passive infra-red device 106 is connected to intelligent internal door plate 12 by wires 108 to provide data therefrom, see page 8, 19 – 21 of the application.

The system further comprising "an indicator in operable communication with said interface assembly, said indicator configured for indicating, outside of the room, said occupancy condition when both said entry door switch detects a closed state of the entry door and said passive infra-red device detects motion within a delay". Referring to Figure 10, the indicator LED 86 (and backlit legend 84) at external door plate 14 indicates the occupancy condition; see page 11, lines 5 – 8 of the application. Wires 22 connect external door plate 14 and intelligent internal door plate 12, see page 8, lines 15 – 18 of the application. The LED 86 (and backlit legend 84) will indicated the occupancy condition when both the entry door switch 100 is activated ***and*** the passive infra-red

device 106 detects motion within a delay (e.g., 0, 10 or 30 minutes), see page 10, line 25 – page 11, line 8 of the application.

**Claim 78**

Claim 78 recites "[a] system for indicating a status of a room, in a multiple room building".

The system comprising "a first switch configured to be actuated from inside the room for selecting at least one message". "Do Not Disturb" button 30 or "Make Up Room" button 32 at intelligent internal door plate 12 inside the room (Figure 10, see page 5, lines 14 – 20 and 19 – 21 and page 6, lines 19 – 24 of the application) is conveyed to external door plate 14 outside the room by wires 22, see page 7, lines 15 – 18 of the application.

The system further comprising "an indicator in operable communication with said first switch, said indicator configured for indicating, in response to a request, at least one of (1) said at least one message when said at least one message is selected and (2) at least one condition of the room, said indicator further configured for indicating outside of the room". Referring to Figures 6 – 9, the external (outside of the room) door plate 14 includes a DND backlit legend 84, a MUR single point light emitting diode 86, and a hidden switch 88, see page 6, line 25 – page 7, line 2 of the application. Also referring to Figure 10, the indicator LED 86 and backlit legend 84 indicate the occupancy

condition, see page 11, lines 5 – 8 of the application. Wires 22 connect external door plate 14 and intelligent internal door plate 12, see page 8, lines 15 – 18 of the application. For Example, the LED 86 and backlit legend 84 will indicate the occupancy condition when both the entry door switch 100 is activated and the passive infra-red device 106 detects motion within a delay (e.g., 0, 10 or 30 minutes), see page 10, line 25 – page 11, line 8 of the application, when the hidden switch 88 is activated (i.e., the request), see page 11, lines 9 – 15 of the application.

The system further comprising "a second switch configured to be actuated from outside of the room for generating said request". The LED 86 and backlit legend 84 will indicated the occupancy condition when both the entry door switch 100 is activated and the passive infra-red device 106 detects motion within a delay (e.g., 0, 10 or 30 minutes), see page 10, line 25 – page 11, line 8 of the application, when the hidden switch 88 (i.e., the second switch) is activated (i.e., the request), see page 11, lines 9 – 15 of the application.

The above exemplary embodiments are discussed with respect to the aforementioned independent claims by was of example only and are not intended to in any way limit the scope of these claims.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 31, 34, 35, 78 – 85, 87 – 91, 96, 97, and 99 – 101 have been rejected as being allegedly unpatentable over Wagner et al. in view of Winston. The rejection of claims 31, 34, 35, 78 – 85, 87 – 91, 96, 97, and 99 – 101 as being allegedly unpatentable over Wagner et al. in view of Winston is to be reviewed on appeal.

Claims 19, 20, 22 – 27, 37 – 45, 47 - 56 and 95 were rejected as being allegedly unpatentable over Wagner in view of Winston and further in view of Gatti. The rejection of claims 19, 20, 22 – 27, 37 – 45, 47 - 56 and 95 as being allegedly unpatentable over Wagner in view of Winston and further in view of Gatti is to be reviewed on appeal.

Claims 57 - 65, 67 – 72, and 74 – 77 were rejected as being allegedly unpatentable over Wagner in view of Bruno. The rejection of claims 57 - 65, 67 – 72, and 74 – 77 as being allegedly unpatentable over Wagner in view of Bruno is to be reviewed on appeal.

Claims 92 and 93 have been rejected as being allegedly unpatentable over Wagner et al. in view of Gatti further in view of Bruno. The rejection of claims 92 and 93 as being allegedly unpatentable over Wagner et al. in view of Gatti further in view of Bruno is to be reviewed on appeal.

Claim 98 has been rejected as being allegedly unpatentable over Wagner et al. in view of Winston and further in view of Bruno. The rejection of claim 98 as being

allegedly unpatentable over Wagner et al. in view of Winston and further in view of Bruno is to be reviewed on appeal.

Claims 73, 94 and 102 have been rejected as being allegedly unpatentable over Wagner et al. in view of Winston and further in view of Bruno. The rejection of claims 73 and 102 as being allegedly unpatentable over Wagner et al. in view of Winston and further in view of Bruno is to be reviewed on appeal.

ARGUMENT

**Rejection of claims 31, 34, 35, 78 – 85, 87 – 91, 96, 97, and 99 – 101**

Claims 31, 34, 35, 78 – 85, 87 – 91, 96, 97, and 99 – 101 have been rejected as being allegedly unpatentable over Wagner et al. in view of Winston.

The Examiner states, with respect to claim 78, that Wagner "discloses a system for indicating the status of a room building / hotel, the system configured to indicate a status (30) of the room to the visitor"; in support of this the Examiner cites "figs.1–3, col. 2, lines 14-21, col. 6, lines 4-15 and lines 29-38". The Examiner then states that the Wagner system includes "a first switch / switch assembly (10,12) configured to be actuated from inside the room for selecting one of a plurality of messages as desired by a hotel guest / occupant"; in support of this the Examiner cites "figs. 1-3, col. 1, lines 47-57, col. 2, lines 23-31 and col. 3, lines 31-67". The Examiner further states that the Wagner system includes "an indicator / indicating assembly (30) in operable communication with the first switch assembly 12, the indicating assembly configured to

indicate messages when the message is selected as a condition of the room, the messages viewable from inside and outside of the room such as DO Not Disturb (22), Maid Service (24), Ready for Occupancy, Emergency Help Needed"; in support of this the Examiner cites "fig 2, col. 2, lines 14-21, col. 3, lines 54 – 67, and col. 6, lines 4 – 14".

Referring to figures 1 – 3 of Wagner show an interior view of a door with a switch adjacent thereto (figure 1); an exterior view of a door with an indicator adjacent thereto (figure 2); and an enlarged view of the switch, at the interior, having three settings, OFF, DO NOT DISTURB, and MAID SERVICE (figure 3). The Examiner's statement that "the indicating assembly configured to indicate messages when the message is selected as a condition of the room, the messages viewable from inside and outside of the room" is in error. The indicator of Wagner indicates messages at the outside of the room.

It is important to note that the Examiner has neglected to address an important aspect of the recited claim language, i.e., in claim 78 "said indicator configured for indicating, ***in response to a request*** ...", emphasis added. The Examiner does acknowledge that Wagner is devoid of any teaching or suggestion of "a second switch configured to be actuated from outside of the room for generating the request".

Wagner is devoid of any teaching or suggestion of an indicator configured for indicating in response to a request generated by a second switch or otherwise. The Wagner indicator always indicates its messages when selected without requiring an

additional request to provide the indication. An indicator that requires request, generated by a second switch, will not provide such indication without receiving the request. While Wagner does suggest indication being blinking lights, it does not suggest a second switch for generating a request with the indication itself being provided in response thereto. In other words, there is no suggestion that the indication of blinking lights, selected by a first switch inside the room, would not be provided without being requested by a second switch outside of the room.

The Examiner then introduces Winston as teaching a "doorbell button (15, 19) as a second switch configured to be actuated from outside of the room for generating the request". The Examiner further states, with respect to Winston, that "[t]he second switch in operable communication with a doorbell chime (13) which includes a speaker / bell (13) for audio output upon actuation on the doorbell button from outside of the room by the visitor for notifying the present of a visitor or caller to the occupant of the room". The Examiner then concludes that "it would have been obvious to one having ordinary skill in the art to employ the teaching of Winston in the system of Wagner for proving a tone signal to the occupant of the room when the doorbell / second switch is pressed from outside of the room for announcing the present of a visitor or caller".

Appellant fails to appreciated what relevance "proving a tone signal to the occupant of the room when the doorbell / second switch is pressed from outside of the room for announcing the present of a visitor or caller" has to do with the present invention as recited by claim 78. As recited in claim 78 "a second switch configured to

be actuated from outside of the room for generating said request". Further as recited by claim 78 "said indicator configured for indicating, in response to a request". Simply ringing the doorbell does not suggest that the Wagner indicator will provide an indication in response thereto, as the Wagner indicator always indicates its messages when selected without requiring an additional request to provide the indication. If the Examiner is somehow suggesting that the doorbell chime of Winston is the recited indicator, then this position is also flawed. Firstly, the recited indicator is "configured for indicating outside of the room", while the Winston doorbell chime is located inside of the room. Secondly, The doorbell chime of Winston is not in anyway configured to be "in operable communication with the first switch", nor configured for indicating "at least one of (1) said at least one message when said at least one message is selected and (2) at least one condition of the room". Bearing in mind that "a first switch configured to be actuated from inside the room for selecting at least one message".

The doorbell arrangement of Winston fails to overcome the deficiencies of Wagner, i.e., "said indicator configured for indicating, ***in response to a request*** ...", emphasis added. Moreover, a doorbell chime was anticipated by the appellant as an addition element to the invention recited in claim 78, see dependent claim 101 where additional elements of a doorbell chime and a doorbell button are recited.

There is simply no teaching or suggestion in Wagner, Winston, or the art as a whole to added a second switch for generating a request and the indicator providing the

indication in response to this request. For at least these reasons, claim 78 patentably defines over Wagner in view of Winston.

Claims 31, 34, 35, 78 – 85, 87 – 91, 96, 97, and 99 – 101 should be patentable as depending from what should be an allowable independent claim.

Claim 31 should also be allowable as setting forth patentable subject matter in and of itself. Claim 31 recites "said first switch is incorporated with an electronic thermostat". The Examiner cites col. 3, line 53 to col. 4, line 3, col. 4, lines 18 – 43, col. 5, lines 20 –55, and col. 6, lines 4 – 24 in support of this rejection. However, Wagner does not teach or suggest switch (12) as being incorporated with an electronic thermostat. For at least these reasons, claim 31 patentably defines over Wagner in view of Winston.

Claim 79 should also be allowable as setting forth patentable subject matter in and of itself. Claim 79 recites "said second switch comprises a discreet switch". The Examiner states that while Winston does not teach a discreet switch, such is an obvious design choice. Appellant submits that having a discreet doorbell is contrary to the teachings of Winston. If the doorbell was discreet a visitor would not be able to locate it in order to press it. Such cannot be a matter of design choice when it makes the device of Winston unusable. Therefore, Wagner in view of Winston clearly fails to teach or suggest such a switch as being a discreet switch. For at least these reasons, claim 79 patentably defines over Wagner in view of Winston.

Claim 94 depends from claim 102, which depends from independent claim 57. Claim 57 does not stand rejected over Wagner in view of Winston. Claim 94 should also be allowable as setting forth patentable subject matter in and of itself. Claim 94 recites "said switch comprises a magnetic switch". The Examiner cites col. 3, line 53 to col. 4, line 3, col. 4, lines 18 – 43, col. 5, lines 20 –55, and col. 6, lines 4 – 24 of Wagner in support of this rejection. No mention or suggestion of a magnet switch is found in the cited columns and lines. Both Wagner and Winston clearly fail to teach or suggest a magnetic switch. For at least these reasons, claim 94 patentably defines over Wagner.

Claim 35 should also be allowable as setting forth patentable subject matter in and of itself. Claim 35 recites "all incoming telephone calls to the room are routed to voicemail when said message that an occupant does not wish to be disturbed is selected". The Examiner states that Wagner mentions a telephone, and that the telephone is controlled by the microcontroller. Wagner does not state that the telephone is controlled by the microcontroller, or that it in any way communicated with the microcontroller. Nevertheless, there is no teaching or suggestion in Wagner that "all incoming telephone calls to the room are routed to voicemail when said message that an occupant does not wish to be disturbed is selected". Further, Winston simply does not discuss a telephone. Therefore, Wagner in view of Winston clearly fails to teach or suggest having all incoming telephone calls to the room routed to voicemail when a message that an occupant does not wish to be disturbed is selected. For at least these reasons, claim 35 patentably defines over Wagner in view of Winston.

For at least the foregoing reasons claims 31, 34, 35, 78 – 85, 87 – 91, 96, 97, and 99 – 101 patentably define over Wagner.

**Rejection of claims 19, 20, 22 – 27, 37 – 45, 47 - 56 and 95**

Claims 19, 20, 22 – 27, 37 – 45, 47 - 56 and 95 were rejected as being allegedly unpatentable over Wagner in view of Winston and further in view of Gatti.

Claims 19, 20, 22 – 27 and 95 should be patentable as depending from what should be an allowable independent claim 78 as set forth above.

Claim 20 should also be allowable as setting forth patentable subject matter in and of itself. Claim 20 recites "said second switch is actuated in one manner to indicate a condition of occupancy and activated in another manner to indicate said condition of minibar access". There is simply no teaching or suggestion in any of these references of (1) a second switch, as discussed hereinbefore with respect to claim 78 or (2) the second switch actuated in one manner to indicate a condition of occupancy and activated in another manner to indicate a condition of minibar access. Pressing the doorbell button of Winston as suggested by the Examiner does not suggest (1) the recited second switch and (2) a switch that can be actuated in two different manners. For at least these reasons, claim 20 patentably defines over Wagner in view of Winston and further in view of Gatti.

Claim 22 should also be allowable as setting forth patentable subject matter in and of itself. Claim 22 recites "said one manner includes pushing said second switch once,

while said another manner includes pushing said second switch twice". There is simply no teaching or suggestion in any of these references of (1) a second switch, as discussed hereinbefore with respect to claim 78 or (2) one manner of actuation including pushing the second switch once, and another manner of actuation including pushing the second switch twice. Pressing the doorbell button of Winston as suggested by the Examiner does not suggest (1) the recited second switch and (2) a the recited two different manners of actuation. For at least these reasons, claim 22 patentably defines over Wagner in view of Winston and further in view of Gatti.

Claims 23 – 27 should also be allowable as setting forth patentable subject matter in and of themselves. Each of these generally recites a number blinks to indicate different conditions. The Examiner cites colored lights in Wagner as somehow teaching a number blinks to indicate different conditions. Wagner does teach a flashing light as an alert of an intruder, see column 5, lines 57 – 64. Although, this does not teach or suggest a number blinks to indicate different conditions. For at least these reasons, claims 23 - 27 patentably define over Wagner in view of Winston and further in view of Gatti.

Claim 37 recites "a first switch configured to be actuated from outside the room to generate said request". Further, claim 37 recites "said indicator configured for indicating, in response to a request, said minibar access condition, said indicator configured for indicating outside of the room". The Examiner states, with respect to claim 37, that Wagner "discloses a system for indicating the status of a room building / hotel, the system configured to indicate a status (30) of the room to the visitor"; in support of this

the Examiner cites "figs.1–3, col. 2, lines 14-21, col. 6, lines 4-15 and lines 29-38". The Examiner then states that the Wagner system includes "an interface assembly / switch assembly (10,12) configured to convey a message outside of the room / the switch assembly (12) operable from inside of the room"; in support of this the Examiner cites "figs. 1-3, col. 1, lines 47-57, col. 2, lines 23-31 and col. 3, lines 31-67". The Examiner further states that the Wagner system includes "an indicator / indicating assembly (30) in operable communication with the interface assembly, the indicator configured to indicate the message when the message is selected, the message viewable from inside and outside of the room"; in support of this the Examiner cites "fig 2, col. 2, lines 14-21, col. 3, lines 54 – 67, and col. 6, lines 4 – 14".

Referring to figures 1 – 3 of Wagner show an interior view of a door with a switch adjacent thereto (figure 1); an exterior view of a door with an indicator adjacent thereto (figure 2); and an enlarged view of the switch, at the interior, having three settings, OFF, DO NOT DISTURB, and MAID SERVICE (figure 3). The Examiner's statement that "the indicator configured to indicate the message when the message is selected, the message viewable from inside and outside of the room" is in error. The indicator of Wagner indicates messages at the outside of the room.

It is important to note that the Examiner has neglected to address an important aspect of the recited claim language, i.e., in claim 78 "said indicator configured for indicating, ***in response to a request*** ...", emphasis added. The Examiner does acknowledge that Wagner is devoid of any teaching or suggestion of "a first switch

configured to be actuated from outside the room to generate said request" and "a minibar door switch ...".

Wagner is devoid of any teaching or suggestion of an indicator configured for indicating in response to a request generated by a second switch or otherwise. The Wagner indicator always indicates its messages when selected without requiring an additional request to provide the indication. An indicator that requires request, generated by a switch, will not provide such indication without receiving the request. While Wagner does suggest indication being blinking lights, it does not suggest a switch for generating a request with the indication itself being provided in response thereto. In other words, there is no suggestion that the indication of blinking lights, selected by a switch inside the room, would not be provided without being requested by a switch outside of the room.

The Examiner then introduces Winston as teaching a "doorbell button (15, 19) as a second switch configured to be actuated from outside of the room for generating the request". The Examiner further states, with respect to Winston, that "[t]he first switch in operable communication with a doorbell chime (13) which includes a speaker / bell (13) for audio output upon actuation on the doorbell button from outside of the room by the visitor for notifying the present of a visitor or caller to the occupant of the room". The Examiner then concludes that "it would have been obvious to one having ordinary skill in the art to employ the teaching of Winston in the system of Wagner for proving a tone

signal to the occupant of the room when the doorbell / second switch is pressed from outside of the room for announcing the present of a visitor or caller".

Appellant fails to appreciated what relevance "proving a tone signal to the occupant of the room when the doorbell / the switch is pressed from outside of the room for announcing the present of a visitor or caller" has to do with the present invention as recited by claim 37. As recited in claim 37 "a first switch configured to be actuated from outside of the room for generating said request". Further as recited by claim 37 "said indicator configured for indicating, in response to a request". Simply ringing the doorbell does not suggest that the Wagner indicator will provide an indication in response thereto, as the Wagner indicator always indicates its messages when selected without requiring an additional request to provide the indication. If the Examiner is somehow suggesting that the doorbell chime of Winston is the recited indicator, then this position is also flawed. Firstly, the recited indicator is "configured for indicating outside of the room", while the Winston doorbell chime is located inside of the room. Secondly, the doorbell chime of Winston is not in anyway configured to be "in operable communication with the interface assembly", nor configured for indicating "said minibar access condition".

The doorbell arrangement of Winston fails to overcome the deficiencies of Wagner, i.e., "said indicator configured for indicating, ***in response to a request*** ...", emphasis added. Further, Gatti also does not provide any teaching or suggesting of a switch outside of the room for generating a request and the indicator providing the indication in response to this request.

For at least these reasons, claim 37 patentably defines over Wagner in view of Winston and further in view of Gatti.

Claims 38 - 45 and 47 - 56 should be patentable as depending from what should be an allowable independent claim.

Claim 38 should also be allowable as setting forth patentable subject matter in and of itself. Claim 38 recites "said first switch comprises a discreet switch". The Examiner states that while Winston does not teach a discreet switch, such is an obvious design choice. Appellant submits that having a discreet doorbell is contrary to the teachings of Winston. If the doorbell was discreet a visitor would not be able to locate it in order to press it. Such cannot be a matter of design choice when it makes the device of Winston unusable. Therefore, Wagner in view of Winston clearly fails to teach or suggest such a switch as being a discreet switch. For at least these reasons, claim 38 patentably defines over Wagner in view of Winston and further in view of Gatti.

Claim 52 should also be allowable as setting forth patentable subject matter in and of itself. Claim 52 recites "said first switch comprises a magnetic switch". The Examiner cites indicating with "blinking lights" in support of this rejection. Firstly, as stated above Wagner is simple devoid of any teaching or suggestion of a switch for generating a request and the indicator providing the indication in response to this request. Further, Wagner clearly fails to teach or suggest such a switch as a magnetic switch.

Therefore, Wagner clearly fails to teach or suggest such a magnetic switch. Gatti also fails to provide any such teaching or suggestion. For at least these reasons, claim 52 patentably defines over Wagner in view of Winston and further in view of Gatti.

Claim 55 should be patentable as depending from what should be an allowable independent claim. Claim 55 recites "an infra-red communication device associated with each of said interface assembly and said centrally controlled system for communication of signals therebetween". Wagner is simply devoid of any teaching or suggestion of using an infra-red device for communication. The motion sensor mentioned in Wagner has nothing whatsoever to do with communication between an interface assembly and a central control system, as suggested by the Examiner. The Examiner's reliance on the motion detector is misplaced. Wagner does not disclose or suggest an infra-red device associated with an interface assembly and an infra-red device associated with a centrally controlled system for communication therebetween. Further, Gatti also does not provide any teaching or suggesting of an infra-red device associated with an interface assembly and an infra-red device associated with a centrally controlled system for communication therebetween. For at least these reasons, claim 55 patentably defines over Wagner in view of Winston and further in view of Gatti.

Claim 95 depends from independent claim 78, which should be allowable for all the reasons discussed hereinbefore, and should be patentable as depending therefrom.

In view of the foregoing, applicants submit that claims 19, 20, 22 – 27, 37 – 45, 47 - 56 and 95 patentably define over Wagner in view of Winston and further in view of Gatti.

**Rejection of claims 57 - 65, 67 – 72, and 74 - 77**

Claims 57 - 65, 67 – 72, and 74 – 77 were rejected as being allegedly unpatentable over Wagner in view of Bruno.

Claim 57 is directed to "indicating an occupancy condition of a room". The Examiner states that Wagner "discloses a system for indicating the status of a room"; in support of this the Examiner cites "figs. –3, col. 2, lines 14-21, col. 6, lines 4-15 and lines 29-38". Referring to figures 1 – 3 of Wagner show an interior view of a door with a switch adjacent thereto (figure 1); an exterior view of a door with an indicator adjacent thereto (figure 2); and an enlarged view of the switch having three settings, OFF, DO NOT DISTURB, and MAID SERVICE (figure 3). None of which have any relevance to an occupancy condition of a room, as this switch can be set to any of these position regardless of whether or not someone in the room. Referring to column 2, lines 14 – 21 of Wagner states in part "a system for indicating the status of a hotel room" and "for indicating the message selected by the hotel guest", such does not discuss occupancy determination. Referring to column 6, lines 4 – 15 and 29 –32 of Wagner states that various signal lights could be used (lines 4 – 15) and the preamble of claim 1 of Wagner recites a system for indicating a status of a room (lines 29 – 32). Wagner does disclose that addition messages, such as "ready for occupancy", or "emergency help needed", can be added to the system. However, as previously stated by the Examiner, "ready for

occupancy" simply means that the room has been cleaned. This is no indication of whether the room is occupied. There is simply no discussion of an occupancy determination in Wagner.

The Examiner then states that the Wagner system includes "a[n] interface assembly / switch assembly (10,12) configured to convey a message outside of the room/ the switch assembly (12) operable from inside the room". In support of this the Examiner cites "figs. 1-3, col. 1, lines 47-57, col. 2, lines 23-31 and col. 3, lines 31-67". However, Wagner does not teach or suggest "an interface assembly configured to convey the ***occupancy condition*** of the room to outside of the room", emphasis added, as recited in claim 57. The switch assembly 10 of Wagner does not convey an occupancy condition, not even when the security feature discussed below is utilized.

Wagner does disclose a security feature that when activated will "[w]hen the door switch ***or*** the motion sensor is activated, the microprocessor will set the outside "do not disturb" light to blink, or will display a different discreet message either via a separate light or via LCD panel", emphasis added, column 5, lines 37 – 40 of Wagner. This teaching of in the alternative has been acknowledged by the Examiner, i.e., "When the door switch or the motion sensor is activated...", see page 15 of the present Office Action. However, claim 57 recites "an indicator configured for indicating, outside of the room, said occupancy condition when ***both*** said entry door switch ***detects a closed state*** of the entry door ***and*** said passive infra-red device detects motion ***within a delay***", emphasis added. Firstly, the door switch of Wagner is activated when the door is opened

to detect an intruder, see column 5, lines 20 – 64 generally, and not to detect a closed state as recited by claim 57. Detecting a closed state will not aid in the detection of an intruder as contemplated by Wagner. Secondly, Wagner teaches that when either ***(not both)*** the door switch or the motion sensor are activated the microprocessor will set the light to blink, while claim 57 requires both the switch detecting a closed state and the passive infra-red device detects motion. Thirdly, the motion sensor of Wagner is time-delayed "to permit the occupant to leave the room", column 5, lines 37 – 38, and to permit "the occupant to de-activate the system upon returning to the room", column 5, lines 48 – 49. This is different from "detects motion within a delay", in fact it is the opposite. Wagner does not utilize motion detected during the delays, as this allows the occupant to leave and re-enter the room.

The Examiner introduces Bruno as teaching a passive infra-red device for detecting motion when persons are not expected to enter a room. Wagner discloses a motion sensor also for detecting motion when persons are not expected to enter a room. Bruno does not teach or suggest indicating an occupancy condition when ***both*** an entry door switch ***detects a closed state*** of the entry door ***and*** a passive infra-red device detects motion ***within a delay***. Bruno simply fails to cure any of the aforementioned deficiencies of Wagner.

Accordingly, neither Wagner nor Bruno, alone or in combination, teach or suggest "an indicator configured for indicating, outside of the room, said occupancy condition

when ***both*** said entry door switch ***detects a closed state*** of the entry door ***and*** said passive infra-red device detects motion ***within a delay***", emphasis added.

For at least these reasons, claim 57 patentably defines over Wagner in view of Bruno.

Claims 58 - 65, 67 – 72, and 74 – 77 should be patentable as depending from what should be an allowable independent claim.

Claim 72 should be patentable as depending from what should be an allowable independent claim. Claim 72 also clearly defines over Wagner. Claim 72 recites "said interface assembly includes a jumper for selecting said delay from a plurality of preset delays". The Examiner states that in Wagner, the delay (although a different delay as discussed hereinbefore) is set by the microprocessor. Wager is simply devoid of any teaching or suggestion of an interface assembly including "a jumper for selecting said delay from a plurality of preset delays". Bruno also fails to provide any such teaching or suggestion. For at least these reasons, claim 72 patentably defines over Wagner in view of Bruno.

Claim 76 should be patentable as depending from what should be an allowable independent claim. Claim 76 also clearly defines over Wagner. Claim 76 recites "an infra-red communication device associated with each of said interface assembly and said centrally controlled system for communication of signals therebetween". Wagner and Bruno are simply devoid of any teaching or suggestion of using an infra-red device for

communication. The motion sensors mentioned in Wagner and Bruno have nothing whatsoever to do with communication between an interface assembly and a central control system, as suggested by the Examiner. Further, neither Wagner nor Bruno disclose or suggest an infra-red device included with an interface assembly and an infra-red device included with a centrally controlled system. For at least these reasons, claim 76 patentably defines over Wagner in view of Bruno.

Claim 77 should be patentable as depending from what should be an allowable independent claim. Claim 77 also clearly defines over Wagner. Claim 77 recites "said occupancy condition is also conveyed to a location remote from said interface assembly and remote from said indicator". As stated above, both Wagner and Bruno are devoid of any teaching or suggestion of conveying an occupancy condition. For at least these reasons, claim 77 patentably defines over Wagner in view of Bruno.

For at least the foregoing reasons claims 57 - 65, 67 – 72, and 74 – 77 patentably define over Wagner in view of Bruno.

**Rejection of claims 92 and 93**

Claims 92 and 93 have been rejected as being allegedly unpatentable over Wagner et al. in view of Gatti further in view of Bruno. Claims 92 and 93 depend from independent claim 78, which should be allowable for all the reasons discussed hereinbefore, and should be patentable as depending therefrom.

Claim 93 should also be allowable as setting forth patentable subject matter in and of itself. Claim 93 recites "a jumper for selecting a preset period of delay from a plurality of preset periods of delay". Wagner, Gatti, and Bruno are simply devoid of any teaching or suggestion of "a jumper for selecting a preset period of delay from a plurality of preset periods of delay". For at least these reasons, claim 93 patentably defines over Wagner in view of Gatti.

In view of the foregoing, applicants submit that claims 92 and 93 patentably define over Wagner et al. in view of Gatti and further in view of Bruno.

**Rejection of claim 98**

Claim 98 has been rejected as being allegedly unpatentable over Wagner et al. in view of Winston and further in view of Bruno. Claim 98 depends from independent claim 78, which should be allowable for all the reasons discussed hereinbefore, and should be patentable as depending therefrom.

Claim 98 should also be allowable as setting forth patentable subject matter in and of itself. Claim 98 recites "an infra-red communication device associated with each of said interface assembly and said centrally controlled system for communication of signals therebetween". Wagner, Winston and Bruno are simply devoid of any teaching or suggestion of using an infra-red device for communication. The motion sensors mentioned in Wagner and Bruno have nothing whatsoever to do with communication between an interface assembly and a central control system, as suggested by the Examiner. The Examiner's reliance on the motion detector is misplaced. The motion

sensors of Wagner and Bruno are simply not an infra-red device associated with an interface assembly and an infra-red device associated with a centrally controlled system for communication therebetween. For at least these reasons, claim 98 patentably defines over Wagner in view of Winston and further in view of Bruno.

**Rejection of claims 73, 94 and 102**

Claims 73, 94 and 102 have been rejected as being allegedly unpatentable over Wagner et al. in view of Winston and further in view of Bruno. Claims 73 and 102 depend from independent claim 57, which should be allowable for all the reasons discussed hereinbefore, and should be patentable as depending therefrom.

Claim 73 should also be allowable as setting forth patentable subject matter in and of itself. Claim 73 recites, "said switch comprises a magnetic switch". The Examiner cites indicating with "blinking lights" in support of this rejection. Firstly, as stated above Wagner is simple devoid of any teaching or suggestion of a switch for generating a request and the indicator providing the indication in response to this request. Further, Wagner clearly fails to teach or suggest such a switch as a magnetic switch. Therefore, Wagner clearly fails to teach or suggest such a magnetic switch. Winston and Bruno also fail to provide any such teaching or suggestion. For at least these reasons, claim 73 patentably defines over Wagner view of Winston and further in view of Bruno.

Claim 102 should also be allowable as setting forth patentable subject matter in and of itself. Claim 102 "a switch configured to be actuated from outside the room to

generate said request". Further, claim 102 recites "said indicator further comprising indicating said occupancy condition in response to a request,".

It is important to note that the Examiner has neglected to address an important aspect of the recited claim language, i.e., in claim 102 "indicating ***in response to a request*** ...", emphasis added. Clearly Wagner and Bruno are devoid of any teaching or suggestion of such a switch, and the Examiner has not indicated otherwise. The Examiner then introduces Winston as teaching a "doorbell button (15, 19) as a second switch configured to be actuated from outside of the room for generating the request". The Examiner further states, with respect to Winston, that "[t]he first switch in operable communication with a doorbell chime (13) which includes a speaker / bell (13) for audio output upon actuation on the doorbell button from outside of the room by the visitor for notifying the present of a visitor or caller to the occupant of the room". The Examiner then concludes that "it would have been obvious to one having ordinary skill in the art to employ the teaching of Winston in the system of Wagner for proving a tone signal to the occupant of the room when the doorbell / second switch is pressed from outside of the room for announcing the present of a visitor or caller".

Appellant fails to appreciated what relevance "proving a tone signal to the occupant of the room when the doorbell / the switch is pressed from outside of the room for announcing the present of a visitor or caller" has to do with the present invention as recited by claim 102. Simply ringing the doorbell does not suggest that the Wagner indicator will provide an indication in response thereto, as the Wagner indicator always

indicates its messages when selected without requiring an additional request to provide the indication. If the Examiner is somehow suggesting that the doorbell chime of Winston is the recited indicator, then this position is also flawed. Firstly, the recited indicator is "configured for indicating outside of the room", while the Winston doorbell chime is located inside of the room. Secondly, the doorbell chime of Winston is not in anyway configured to be "in operable communication with the interface assembly", nor configured for indicating "said minibar access condition".

The doorbell arrangement of Winston fails to overcome the deficiencies of Wagner, i.e., "said indicator configured for indicating, ***in response to a request*** ...", emphasis added. Further, Bruno also does not provide any teaching or suggesting of a switch outside of the room for generating a request and the indicator providing the indication in response to this request.

For at least these additional reasons, claim 102 patentably defines over Wagner view of Winston and further in view of Bruno.

CONCLUSION

In view of the foregoing, it is urged that the final rejection of claims 19, 20, 22-27, 31, 34, 35, 37-45, 47-65, 67-85, 87-93, and 95-102 be overturned. The final rejection is in error and should be reversed.

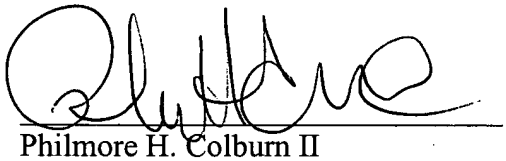
The fee as set forth in 37 CFR § 41.20(b)(2) is enclosed herewith.

If there are any charges with respect to this Appeal Brief or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

BUCKINGHAM ET AL.

CANTOR COLBURN LLP
Applicants' Attorneys

By: 
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## CLAIM APPENDIX

1-18. (cancelled).

19. The system as claimed in claim 78 further comprising:

a minibar door switch for detecting a condition of minibar access, wherein said at least one condition of the room includes said condition of minibar access.

20. The system as claimed in claim 95 wherein said second switch is actuated in one manner to indicate a condition of occupancy and activated in another manner to indicate said condition of minibar access, said at least one said condition of the room includes said condition of occupancy.

21. (cancelled)

22. The system as claimed in claim 20 wherein said one manner includes pushing said second switch once, while said another manner includes pushing said second switch twice.

23. The system as claimed in claim 20 wherein said one manner to indicate said condition of occupancy comprises a first number of blinks, and said other manner to indicate said condition of minibar access includes a second number of blinks.

24. The system as claimed in claim 20 wherein each of said one manner to indicate said condition of occupancy and said other manner to indicate said condition of minibar access is indicated by a do not disturb legend flashing a number of times.

25. The system as claimed in claim 20 wherein each of said one manner to indicate said condition of minibar access and said other manner to indicate said condition of occupancy is indicated by a make-up-room LED flashing a number of times.

26. The system as claimed in claim 24 wherein said do not disturb legend flashes red.

27. The system as claimed in claim 25 wherein said make-up-room LED flashes green.

28. (cancelled)

29. (cancelled)

30. (cancelled)

31. The system as claimed in claim 78 wherein said first switch is incorporated with an electronic thermostat.

32. (cancelled)

33. (cancelled)

34. The system as claimed in claim 101 wherein said at least one message comprises a message that an occupant does not wish to be disturbed, said doorbell chime being configured to be muted when said message that an occupant does not wish to be disturbed is selected.

35. The system as claimed in claim 101 wherein said at least one message comprises a message that an occupant does not wish to be disturbed, wherein all incoming telephone calls to the room are routed to voicemail when said message that an occupant does not wish to be disturbed is selected.

36. (cancelled)

37. A system for indicating a status of a minibar in a room, in a multiple room building, comprising:

an interface assembly configured to convey a minibar access condition to outside of the room;

a minibar door switch configured to detect an open minibar door indicative of said minibar access condition, said minibar door switch in operable communication with said interface assembly;

an indicator in operable communication with said interface assembly, said indicator configured for indicating, in response to a request, said minibar access condition, said indicator further configured for indicating outside of the room; and

a first switch configured to be actuated from outside of the room for generating said request.

38. The system as claimed in claim 37 wherein said first switch comprises a discreet switch.

39. The system as claimed in claim 37 wherein said indicator is mounted to an interior wall of the room.

40. The system as claimed in claim 37 further comprises:

a second switch in operable communication with said interface assembly and configured to be actuated from inside the room for selecting at least one message; and

wherein said indicator is configured to indicate said at least one message when said at least one message is selected.

41. The system as claimed in claim 37 wherein said indicator and said first switch are mounted to an exterior wall adjacent a doorway of the room.

42. The system as claimed in claim 40 wherein said at least one message includes a first message that an occupant does not wish to be disturbed and a second message that the occupant wishes to have the room cleaned or made up.

43. The system as claimed in claim 42 wherein said at least one message further includes a third message that the room is available for occupancy.

44. The system as claimed in claim 40 wherein said second switch includes a textual or symbolic representation of said at least one message associated therewith.

45. The system as claimed in claim 40 wherein said indicator comprises a light.

46. (cancelled)

47. The system as claimed in claim 45 wherein said indicator further comprises a textual or symbolic representation of said at least one message associated therewith.

48. The system as claimed in claim 37 wherein said system is powered by one of wiring into the electrical system of the building and wiring to a centrally controlled system.

49. The system as claimed in claim 37 wherein the multiple room building comprises a hotel or motel and an occupant is a hotel or motel guest.

50. The system as claimed in claim 37 wherein said indicator is receptive to activation remotely.

51. The system as claimed in claim 37 further comprising a microprocessor in operable communication with said interface assembly.

52. The system as claimed in claim 37 wherein said first switch comprises a magnetic switch, said magnetic switch actuated with a magnet.

53. The system as claimed in claim 51 wherein said microprocessor is associated with said interface assembly.

54. The system as claimed in claim 51 wherein said microprocessor is disposed in a centrally controlled system disposed in the room, said centrally controlled system is in communication with said interface assembly.

55. The system as claimed in claim 54 further comprising:

an infra-red communication device associated with each of said interface assembly and said centrally controlled system for communication of signals therebetween.

56. The system as claimed in claim 37 wherein said minibar access condition is also conveyed to a location remote from said interface assembly and remote from said indicator.

57. A system for indicating an occupancy condition of a room, in a multiple room building, comprising:

an interface assembly configured to convey the occupancy condition of the room to outside of the room;

an entry door switch for detecting state of an entry door of the room, said entry door switch in operable communication with said interface assembly;

a passive infra-red device for detecting motion in the room, said passive infra-red device in operable communication with said interface assembly; and

an indicator in operable communication with said interface assembly, said indicator configured for indicating, outside of the room, said occupancy condition when both said entry door switch detects a closed state of the entry door and said passive infra-red device detects motion within a delay.

58. The system as claimed in claim 57 wherein said indicator comprises a discreet indicator.

59. The system as claimed in claim 57 wherein said indicator is mounted to an interior wall of the room.

60. The system as claimed in claim 57 further comprises:

a switch configured to be actuated from inside of the room for selecting a at least one message; and

wherein said indicator is configured to indicate said at least one message when said at least one message is selected.

61. The system as claimed in claim 57 wherein said indicator is mounted to an exterior wall adjacent a doorway of the room.

62. The system as claimed in claim 60 wherein said at least one message includes a first message that an occupant does not wish to be disturbed and a second message that the occupant wishes to have the room cleaned or made up.

63. The system as claimed in claim 62 wherein said at least one message further included a third message that the room is available for occupancy.

64. The system as claimed in claim 60 wherein said switch includes a textual or symbolic representation of said at least one message associated therewith.

65. The system as claimed in claim 60 wherein said indicator comprises a light.

66. (cancelled)

67. The system as claimed in claim 65 wherein said indicator further comprises a textual or symbolic representation of said at least one message associated therewith.

68. The system as claimed in claim 57 wherein said system is powered by one of wiring into the electrical system of the building and wiring to a centrally controlled system.

69. The system as claimed in claim 57 wherein the multiple room building comprises a hotel or motel and an occupant is a hotel or motel guest.

70. The system as claimed in claim 57 wherein said indicator is receptive to actuation remotely.

71. The system as claimed in claim 57 further comprising a microprocessor in operable communication with said interface assembly.

72. The system as claimed in claim 71 wherein said interface assembly includes a jumper for selecting said delay from a plurality of preset delays.

73. The system as claimed in claim 102 wherein said switch comprises a magnetic switch, said magnetic switch actuated with a magnet.

74. The system as claimed in claim 71 wherein said microprocessor is disposed in said interface assembly.

75. The system as claimed in claim 71 wherein said microprocessor is disposed in a centrally controlled system disposed in the room, said centrally controlled system is in communication with said interface assembly.

76. The system as claimed in claim 75 further comprising:

an infra-red communication device associated with each of said interface assembly and said centrally controlled system for communication of signals therebetween.

77. The system as claimed in claim 57 wherein said occupancy condition is also conveyed to a location remote from said interface assembly and remote from said indicator.

78. A system for indicating a status of a room, in a multiple room building, comprising:

a first switch configured to be actuated from inside the room for selecting at least one message;

an indicator in operable communication with said first switch, said indicator configured for indicating, in response to a request, at least one of (1) said at least one

message when said at least one message is selected and (2) at least one condition of the room, said indicator further configured for indicating outside of the room; and

a second switch configured to be actuated from outside of the room for generating said request.

79. The system as claimed in claim 78 wherein said second switch comprises discreet switch.

80. The system as claimed in claim 78 wherein said first switch is mounted to an interior wall of the room.

81. The system as claimed in claim 78 wherein said indicator is mounted to an exterior wall adjacent a doorway of the room.

82. The system as claimed in claim 78 wherein said at least one message includes a first message that an occupant does not wish to be disturbed and a second message that the occupant wishes to have the room cleaned or made up.

83. The system as claimed in claim 82 wherein said at least one message further includes a third message that the room is available for occupancy.

84. The system as claimed in claim 78 wherein said first switch includes a textual or symbolic representation of said at least one message associated therewith.

85. The system as claimed in claim 78 wherein said indicator comprises a light.

86. (cancelled).

87. The system as claimed in claim 85 wherein said indicator further comprises a textual or symbolic representation of said at least one message associated therewith.

88. The system as claimed in claim 78 wherein said system is powered by one of wiring into the electrical system of the building and wiring to a centrally controlled system.

89. The system as claimed in claim 78 wherein the multiple room building comprises a hotel or motel and an occupant is a hotel or motel guest.

90. The system as claimed in claim 78 wherein said indicator is receptive to actuation remotely.

91. The system as claimed in claim 78 further comprising a microprocessor in operable communication with said first switch.

92. The system as claimed in claim 78 further comprising:

an entry door switch and a passive infra-red device, for detecting a condition of occupancy, wherein said at least one condition of the room includes said condition of occupancy.

93. The system as claimed in claim 92 further comprising a jumper for selecting a preset period of delay from a plurality of preset periods of delay, said preset period of delay is used to determine said condition of occupancy.

94. The system as claimed in claim 102 wherein said switch comprises a magnetic switch, said magnetic switch actuated with a magnet.

95. The system as claimed in claim 78 wherein said at least one condition of the room comprises at least one of a condition of occupancy and a condition of minibar access.

96. The system as claimed in claim 91 wherein said microprocessor is associated proximally with said first switch.

97. The system as claimed in claim 91 wherein said microprocessor is disposed in a centrally controlled system disposed in the room, said centrally controlled system is in communication with said first switch.

98. The system as claimed in claim 97 further comprising:

an infra-red communication device associated with each of said first switch and said centrally controlled system for communication of signals therebetween.

99. The system as claimed in claim 78 wherein said at least one message selected by said first switch is communicated to a location remote from said first switch and remote from said indicator.

100. The system as claimed in claim 91 wherein said first switch is monitored and operated remotely.

101. The system as claimed in claim 78, further comprising:

a doorbell chime for audio annunciation of a visitor to an occupant of the room, said doorbell chime disposed at said switch assembly; and

a doorbell button in operable communication with said doorbell chime, said doorbell button operably connected with said indicator and operable from outside of the room by the visitor.

102. The system as claimed in claim 57 wherein:

said indicator further comprises indicating said occupancy condition in response to a request; and

said system further comprises a switch configured to be actuated from outside of the room for generating said request.